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**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/734,647

Applicant(s)

HILLIS ET AL.

Examiner

Arpan P. Savla

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 51-57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                       |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                      | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### **Response to Amendment**

This Office action is in response to Applicant's communication filed January 25, 2007 in response to the Office action dated October 20, 2006. Claims 51-57 have been withdrawn. Claims 1-57 are pending in this application. Claims 1-50 remain in consideration for this application.

## **OBJECTIONS**

### **Specification**

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

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The abstract of the disclosure is objected to because it is not descriptive. The abstract provided in this application should at least provide the technical disclosure of the improvement and also concise details of the organization and/or operation of the system. Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

3. In view of Applicant's amendment, the objection to the section entitled "Cross-Reference to Related Applications" has been withdrawn.

## **REJECTIONS BASED ON PRIOR ART**

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-6, 12-18, 21-31, 37-43, and 46-50 are rejected under U.S.C. 102(b) as being anticipated by Jaeger (U.S. Patent 6,345,028).**

6. **As per claim 1, Jaeger discloses a method comprising:**

receiving a request for data having at least one specific content (col. 5, lines 49-52; Fig. 1); *It should be noted that it is inherently required there be some kind of "request" in order to read tracks from a disk.*

obtaining one or more temporal addresses corresponding to the at least one specific content, in response to the request for data having the at least one specific content (col. 5, lines 52-63; Fig. 1); *It should be noted that the "time stamps" are analogous to the "temporal addresses."*

and selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses (col. 6, lines 49-63; Fig. 2). *It should be noted that the re-ordered audio/video/data tracks/signals being streamed from the RAM buffer are analogous to the "spatial-to-temporal translated data."*

7. **As per claim 2**, Jaeger discloses said receiving a request for data having at least one specific content further comprises:

receiving a request for at least a portion of recorded video (col. 8, lines 36-46; Fig. 5).

8. **As per claim 3**, Jaeger discloses said receiving a request for data having at least one specific content further comprises:

receiving a request for at least a portion of recorded audio (col. 8, lines 36-46; Fig. 5).

9. **As per claim 4**, Jaeger discloses said receiving a request for data having at least one specific content further comprises:

receiving a request for at least a portion of recorded video and recorded audio (col. 8, lines 36-46; Fig. 5).

10. **As per claim 5**, Jaeger discloses said receiving a request for data having at least one specific content further comprises:

receiving a request for at least a portion of at least one of computer processable and network processable data (col. 8, lines 36-46; Fig. 5). *It should be noted that audio, video, and data tracks are all both computer processable data as well as network processable data.*

11. **As per claim 6**, Jaeger discloses obtaining one or more temporal addresses corresponding to the at least one specific content, in response to the request for data having the at least one specific content further comprises:

associating the specific content with one or more times of one or more transmitted data portions (col. 5, lines 52-63; Fig. 1). *It should be noted that the "100 ms segments" are analogous to "one or more times."*

12. **As per claim 12**, Jaeger discloses said associating the specific content with one or more times of one or more transmitted data portions further comprises:

associating the specific content with at least one absolute time associated with a clock (col. 5, lines 52-54; Fig. 1). *It should be noted that "100 ms" is an absolute time. It should also be noted that it is inherently required the "100 ms" be associated with a clock.*

13. **As per claim 13**, Jaeger discloses said associating the specific content with at least one absolute time associated with a clock further comprises:

associating the specific content with at least one time associated with at least one of an atomic clock, a global clock, a relative clock, a transmitted clock, and a number of ticks relative to some specified received data (col. 5, lines 52-54; Fig. 1).

*See the citation note for claim 12 above.*

14. **As per claim 14**, Jaeger discloses said associating the specific content with at least one absolute time associated with a clock further comprises: associating the specific content with at least one absolute time associated with a transmitted clock (col. 5, lines 52-54; Fig. 1). *See the citation note for claim 12 above.*

15. **As per claim 15**, Jaeger discloses said associating the specific content with one or more times of one or more transmitted data portions further comprises:

associating the specific content with at least one relative time (col. 5, lines 52-54; Fig. 1). *It should be noted that "100 ms" is also a relative time.*

16. **As per claim 16**, Jaeger discloses said associating the specific content with at least one relative time further comprises:

associating the specific content with at least one time relative to a received marker (col. 5, lines 52-54; Fig. 1). *It should be noted that the end of a "100 ms segment" is analogous to the "received marker."*

17. **As per claim 17**, Jaeger discloses said associating the specific content with at least one relative time further comprises:

associating the specific content with at least one time of a first and second received marker (col. 5, lines 52-54; Fig. 1). *It should be noted that the beginning of a*

*"100 ms segment" is analogous to the "first received marker" and the end of a "100 ms segment" is analogous to the "second received marker."*

18. **As per claim 18**, Jaeger discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting at least a portion of cyclically transmitted data in response to the one or more temporal addresses (col. 6, lines 49-63; Fig. 2). *It should be noted that the re-ordered audio/video/data tracks/signals are recorded tracks from a disk drive and therefore must be cyclically transmitted data.*

19. **As per claim 21**, Jaeger discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting data from at least one data stream having file-address-to-temporal-address translated data (col. 5, lines 12-20; col. 6, lines 49-63; Fig. 2).

20. **As per claim 22**, Jaeger discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting data from at least one data stream having disk-address-to-temporal-address translated data (col. 5, lines 12-20; col. 6, lines 49-63; Fig. 2).

21. **As per claim 23**, Jaeger discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:



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selecting data from at least one data stream having tape-address-to-temporal-address translated data (col. 5, lines 12-20; col. 6, lines 49-63; Fig. 2).

22. **As per claim 24**, Jaeger discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting data from at least one data stream having substantially static-address-to-temporal-address translated data (col. 5, lines 12-20; col. 6, lines 49-63; Fig. 2).

23. **As per claim 25**, Jaeger discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting data from at least one data stream having object-address-to-temporal-address translated data (col. 5, lines 12-20; col. 6, lines 49-63; Fig. 2).

24. **As per claim 26**, Jaeger discloses a system comprising:

means for receiving a request for data having at least one specific content (col. 5, lines 49-52; Fig. 1); *See the citation note for the similar limitation in claim 1 above.*

means for obtaining one or more temporal addresses corresponding to the at least one specific content, in response to the request for data having the at least one specific content (col. 5, lines 52-63; Fig. 1); *See the citation note for the similar limitation in claim 1 above.*

and means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses (col. 6, lines 49-63; Fig. 2). *See the citation note for the similar limitation in claim 1 above.*

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25. **As per claim 27**, Jaeger discloses said means for receiving a request for data having at least one specific content further comprises:

means for receiving a request for at least a portion of recorded video (col. 8, lines 36-46; Fig. 5).

26. **As per claim 28**, Jaeger discloses said means for receiving a request for data having at least one specific content further comprises:

means for receiving a request for at least a portion of recorded audio (col. 8, lines 36-46; Fig. 5).

27. **As per claim 29**, Jaeger discloses said means for receiving a request for data having at least one specific content further comprises:

means for receiving a request for at least a portion of recorded video and recorded audio (col. 8, lines 36-46; Fig. 5).

28. **As per claim 30**, Jaeger discloses said means for receiving a request for data having at least one specific content further comprises:

means for receiving a request for at least a portion of at least one of computer processable and network processable data (col. 8, lines 36-46; Fig. 5). *See the citation note for claim 5 above.*

29. **As per claim 31**, Jaeger discloses means for obtaining one or more temporal addresses corresponding to the at least one specific content, in response to the request for data having the at least one specific content further comprises:

means for associating the specific content with one or more times of one or more transmitted data portions (col. 5, lines 52-63; Fig. 1). *See the citation note for claim 6 above.*

30. **As per claim 37**, Jaeger discloses said means for associating the specific content with one or more times of one or more transmitted data portions further comprises:

means for associating the specific content with at least one absolute time associated with a clock (col. 5, lines 52-54; Fig. 1). *See the citation note for claim 12 above.*

31. **As per claim 38**, Jaeger discloses said means for associating the specific content with at least one absolute time associated with a clock further comprises:

means for associating the specific content with at least one time associated with at least one of an atomic clock, a global clock, a relative clock, a transmitted clock, and a number of ticks relative to some specified received data (col. 5, lines 52-54; Fig. 1). *See the citation note for claim 12 above.*

32. **As per claim 39**, Jaeger discloses said means for associating the specific content with at least one absolute time associated with a clock further comprises:

means for associating the specific content with at least one absolute time associated with a transmitted clock (col. 5, lines 52-54; Fig. 1). *See the citation note for claim 12 above.*

33. **As per claim 40**, Jaeger discloses said means for associating the specific content with one or more times of one or more transmitted data portions further comprises:

means for associating the specific content with at least one relative time (col. 5, lines 52-54; Fig. 1). *See the citation note for claim 15 above.*

34. **As per claim 41**, Jaeger discloses said means for associating the specific content with at least one relative time further comprises:

means for associating the specific content with at least one time relative to a received marker (col. 5, lines 52-54; Fig. 1). *See the citation note for claim 16 above.*

35. **As per claim 42**, Jaeger discloses said means for associating the specific content with at least one relative time further comprises:

means for associating the specific content with at least one time of a first and second received marker (col. 5, lines 52-54; Fig. 1). *See the citation note for claim 17 above.*

36. **As per claim 43**, Jaeger discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting at least a portion of cyclically transmitted data in response to the one or more temporal addresses (col. 6, lines 49-63; Fig. 2). *See the citation note for claim 18 above.*

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37. **As per claim 46**, Jaeger discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting data from at least one data stream having file-address-to-temporal-address translated data (col. 5, lines 12-20; col. 6, lines 49-63; Fig. 2).

38. **As per claim 47**, Jaeger discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting data from at least one data stream having disk-address-to-temporal-address translated data (col. 5, lines 12-20; col. 6, lines 49-63; Fig. 2).

39. **As per claim 48**, Jaeger discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting data from at least one data stream having tape-address-to-temporal-address translated data (col. 5, lines 12-20; col. 6, lines 49-63; Fig. 2).

40. **As per claim 49**, Jaeger discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting data from at least one data stream having substantially static-address-to-temporal-address translated data (col. 5, lines 12-20; col. 6, lines 49-63; Fig. 2).

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41. **As per claim 50**, Jaeger discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:  
  
means for selecting data from at least one data stream having object-address-to-temporal-address translated data (col. 5, lines 12-20; col. 6, lines 49-63; Fig. 2).

**Claim Rejections - 35 USC § 103**

42. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

43. **Claims 7-11, 19-20, 32-36, and 44-45** are rejected under 35 U.S.C. 103(a) as being obvious over Jaeger in view of Ma et al. (U.S. Patent 5,926,649).

44. **As per claim 7**, Jaeger discloses all the limitations of claim 7 except said associating the specific content with one or more times of one or more transmitted data portions further comprises:

consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions.

Ma discloses said associating the specific content with one or more times of one or more transmitted data portions further comprises:

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consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions (col. 10, lines 43-49; Fig. 4). *It should be noted that "scheduler" is analogous to "schedule."*

Jaeger and Ma are analogous art because they are from the same field of endeavor, that being multimedia playback systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Ma's schedulers within Jaeger's recording/playback system.

The motivation for doing so would have been to provide sequential-like parallel retrieval suitable for supporting real-time multimedia data distribution for large numbers of clients (Ma, col. 7, lines 12-14).

Therefore, it would have been obvious to combine Jaeger and Ma for the benefit of obtaining the invention as specified in claim 7.

45. **As per claim 8**, the combination of Jaeger/Ma discloses said consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions further comprises:

consulting a schedule published by at least one of a source controller and a source switch controller (Ma, col. 10, lines 43-49 and 55-60; Fig. 4). *It should be noted that the "media server" is analogous to the "source controller."*

46. **As per claim 9**, the combination of Jaeger/Ma discloses said consulting a schedule published by at least one of a source controller and a source switch controller further comprises:

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accepting input of the schedule published by at least one of the source controller and the source switch controller (Ma, col. 11, lines 1-4; Fig. 4).

47. **As per claim 10**, the combination of Jaeger/Ma discloses said consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions further comprises:

consulting a schedule received from at least one of a source controller and a source switch controller (Ma, col. 11, lines 4-14; Fig. 4).

48. **As per claim 11**, the combination of Jaeger/Ma discloses said consulting a schedule received from at least one of a source controller and a source switch controller further comprises:

receiving the schedule from a data stream (Ma, col. 11, lines 1-4; Fig. 4). *It should be noted that the circulation of the scheduler among the various disks is analogous to a "data stream."*

49. **As per claim 19**, the combination of Jaeger/Ma discloses said selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

selecting data from a first network and a second network in response to the one or more temporal addresses (Ma, col. 11, lines 37-55; Figs. 4 and 5). *It should be noted that "disk 1" is analogous to the "first network", "disk 2" is analogous to the "second network", and so on. It should also be noted that the "disk zone" is analogous to the "temporal address."*



50. **As per claim 20**, the combination of Jaeger/Ma discloses constructing the specific content from data selected from a first network and a second network in response to the one or more temporal addresses (col. 10, lines 46-55). *See the citation note for claim 19 above.*

51. **As per claim 32**, Jaeger discloses all the limitations of claim 32 except said means for associating the specific content with one or more times of one or more transmitted data portions further comprises:

means for consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions.

Ma discloses said means for associating the specific content with one or more times of one or more transmitted data portions further comprises:

means for consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions (col. 10, lines 43-49; Fig. 4). *See the citation note for the similar limitation in claim 7 above.*

Jaeger and Ma are analogous art because they are from the same field of endeavor, that being multimedia playback systems.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Ma's schedulers within Jaeger's recording/playback system.

The motivation for doing so would have been to provide sequential-like parallel retrieval suitable for supporting real-time multimedia data distribution for large numbers of clients (Ma, col. 7, lines 12-14).

Therefore, it would have been obvious to combine Jaeger and Ma for the benefit of obtaining the invention as specified in claim 32.

52. **As per claim 33**, the combination of Jaeger/Ma discloses said means for consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions further comprises:

means for consulting a schedule published by at least one of a source controller and a source switch controller (Ma, col. 10, lines 43-49 and 55-60; Fig. 4). *See the citation note for claim 8 above.*

53. **As per claim 34**, the combination of Jaeger/Ma discloses said means for consulting a schedule published by at least one of a source controller and a source switch controller further comprises:

means for accepting input of the schedule published by at least one of the source controller and the source switch controller (Ma, col. 11, lines 1-4; Fig. 4).

54. **As per claim 35**, the combination of Jaeger/Ma discloses said means for consulting a schedule having the specific content in association with the one or more times of the one or more transmitted data portions further comprises:

means for consulting a schedule received from at least one of a source controller and a source switch controller (Ma, col. 11, lines 4-14; Fig. 4).

55. **As per claim 36**, the combination of Jaeger/Ma discloses said means for consulting a schedule received from at least one of a source controller and a source switch controller further comprises:

means for receiving the schedule from a data stream (Ma, col. 11, lines 1-4; Fig.

4). *See the citation note for claim 11 above.*

56. **As per claim 44**, the combination of Jaeger/Ma discloses said means for selecting data from at least one data stream having spatial-to-temporal translated data, in response to the one or more temporal addresses further comprises:

means for selecting data from a first network and a second network in response to the one or more temporal addresses (Ma, col. 11, lines 37-55; Figs. 4 and 5). *See the citation note for claim 19 above.*

57. **As per claim 45**, the combination of Jaeger/Ma discloses means for constructing the specific content from data selected from a first network and a second network in response to the one or more temporal addresses (col. 10, lines 46-55). *See the citation note for claim 19 above.*

### **Response to Arguments**

58. Applicant's arguments filed January 25, 2007 with respect to **claims 1-50** have been fully considered but they are not persuasive.

59. With respect to Applicant's argument in Section IV(B)(1)(a) of the communication filed January 25, 2007, the Examiner respectfully disagrees. Firstly, Jaeger's "time stamp" identifies the time order of each composite data frame, therefore, as simply and broadly claimed, Applicant's "temporal address" is clearly disclosed by Jaeger's "time stamp." Secondly, the Examiner refers Applicant to the first paragraph on page 10, lines 5-7 of Applicant's specification which state:

**"In other alternate implementations, *the time stamps of various packets of data can be used to provide temporal addressing...*"**

Thus, it is also clear from Applicant's own specification that time stamps can be used to provide temporal addressing. Accordingly, as can be seen from the foregoing, Jaeger sufficiently discloses independent claim 1.

60. With respect to Applicant's argument in Section IV(B)(1)(b) of the communication filed January 25, 2007, the Examiner respectfully disagrees. During initial recording onto to the disk drive, "the recording process generally proceeds by available empty sectors on the disk tracks being recorded on a first-available basis, whereby the audio tracks/signals may be placed on the disk 11 in a disordered manner." Thus, it is clear that the audio tracks recorded on the disk after the initial recording are analogous to "spatial data" as simply and broadly claimed, because the audio tracks were recorded on a first-available empty sector basis. After being re-ordered, "each composite frame is read from the recording system in the order set by the time stamp registry and loaded into the memory (RAM) buffer. Finally, "each composite data frame is disassembled in the buffer, and each temporal segment of each track is routed to a respective output destination." Thus, it is clear that the audio tracks streamed from the RAM buffer are analogous to "spatial-to-temporal translated data" as simply and broadly claimed, because the audio tracks were originally recorded in a disordered manner onto the disk drive, re-ordered back onto the disk drive, read out from the disk drive based on the order set by their time stamps, and then finally streamed to output devices.

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Accordingly, as can be seen from the foregoing, Jaeger sufficiently discloses independent claim 1.

61. With respect to Applicant's argument in Section IV(B)(3) of the communication filed January 25, 2007, the Examiner respectfully disagrees. As can be seen in the cited portions of Jaeger above, the audio track is associated with the 100ms temporal segments. The temporal segments are transmitted from the disk drive to the RAM buffer, therefore, the "temporal segments" are analogous to the "transmitted data portions" as simply and broadly claimed. Accordingly, as can be seen from the foregoing, Jaeger sufficiently discloses dependent claim 6.

62. With respect to Applicant's argument in Section IV(B)(4) of the communication filed January 25, 2007, the Examiner respectfully disagrees. As can be seen in the cited portions of Jaeger above, the audio track is associated with the 100ms temporal segments. It is required some sort of clock dictate the 100ms time period because 100ms is an absolute time that must be measured precisely and accurately. Thus, by associating the audio tracks with the 100ms temporal segments, it follows that the audio tracks are also associated with an absolute time (100ms). Accordingly, as can be seen from the foregoing, Jaeger sufficiently discloses dependent claim 12.

63. With respect to Applicant's argument in Section IV(B)(5) of the communication filed January 25, 2007, the Examiner respectfully disagrees. As discussed directly above, it is required some sort of clock dictate the 100ms time period because 100ms is an absolute time that must be measured precisely and accurately. Thus, as simply and broadly claimed, Applicant's "transmitted clock" is analogous to the clock that dictates

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the 100ms time period. Accordingly, as can be seen from the foregoing, Jaeger sufficiently discloses dependent claims 13 and 14.

64. As for Applicant's argument with respect to independent claim 26, the argument relied on the allegation that independent claim 1 is allowable and therefore for the same reasons independent claim 26 is allowable. However, as addressed above, independent claim 1 is not allowable, thus, Applicant's argument with respect to independent claim 26 is not persuasive.

65. As for Applicant's arguments with respect to the dependent claims, the arguments rely on the allegation that independent claims 1 and 26 are allowable and therefore for the same reasons the dependent claims are allowable. However, as addressed above, independent claims 1 and 26 are not allowable, thus, Applicant's arguments with respect to the dependent claims are not persuasive.

### **Conclusion**

#### **STATUS OF CLAIMS IN THE APPLICATION**

The following is a summary of the treatment and status of all claims in the application as recommended by MPEP 707.70(i):

#### **CLAIMS REJECTED IN THE APPLICATION**

Per the instant office action, **claims 1-50** have received a second action on the merits and are subject of a second action final.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arpan P. Savla whose telephone number is (571) 272-1077. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571) 272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Arpan Savla  
Art Unit 2185  
April 4, 2007



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